

FILED
2/5/21 4:49 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)
BRIAN K. GRUMBLING and) Case No. 18-70245-JAD
PATRICIA GRUMBLING aka Patty)
Grumbling, fdbs Grumbling's Detailing Shop) Chapter 13
Debtor(s).) Related To Doc. Nos. 76, 64
X

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis**

☐ **Chapter 13 Plan dated:**

☐ **Authorizing Distributions Under Plan** ☒ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate Protection **12/23/20**

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$1100, beginning 2/21. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least ____ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
-
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
-

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:

- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:

- ☐ K. Additional Terms and Conditions:

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: February 5, 2021

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

In re:
Brian K. Grumbling
Patricia Grumbling
Debtors

Case No. 18-70245-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7
Date Rcvd: Feb 05, 2021

User: msch
Form ID: pdf900

Page 1 of 3
Total Noticed: 45

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 07, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Brian K. Grumbling, Patricia Grumbling, 300 11th Street, Windber, PA 15963-1559
cr	+ Apex Bank f/k/a Bank of Camden, 430 Montbrook Lane, Suite 208, Knoxville, TN 37919-2723
14804375	+ Apex Bank f/k/a Bank of Camden, 435 Montbrook Lane, Knoxville, TN 37919-2704
14804377	+ Associated Credit Services, Inc., P.O. Box 5171, Westborough, MA 01581-5171
14804378	Bob Burnworth, Windber, PA 15963
14820199	+ COMMONWEALTH OF PA UCTS, DEPARTMENT OF LABOR AND INDUSTRY, COLLECTIONS SUPPORT UNIT, 651 BOAS STREET, ROOM 702, HARRISBURG, PA 17121-0751
14804379	+ Cambria Thrift Consumer Discount Co., 112 Market Street, Johnstown, PA 15901-1609
14861631	+ Chan Soon-Shiong Medical Ctr @ Windber, 600 Somerset Ave., Windber, PA 15963-1331
14804382	+ Citi Cards, P.O. Box 6500, Sioux Falls, SD 57117-6500
14804390	+ Encore Payment Systems, 3801 Arapaho Road, Addison, TX 75001-4314
14804394	#+ First Data, 5565 Glenridge Connector Ne, Ste 2000, Atlanta, GA 30342-4799
14804393	+ First Data, 1 Western Maryland Parkway, Hagerstown, MD 21740-5146
14804395	+ First National Credit Card/Legacy, First National Credit Card, Po Box 5097, Sioux Falls, SD 57117-5097
14804396	+ First Savings Credit Card, Po Box 5019, Sioux Falls, SD 57117-5019
14866202	+ FirstEnergy/Penelec, 101 Crawford's Corner Rd., Bldg. #1 Suite 1-511, Holmdel, NJ 07733-1976
14804398	+ Holiday Financial Serv, 1451 Scalp Ave Ste 1, Johnstown, PA 15904-3334
14804400	+ James R. Moore, D.D.S., J. Craig Moore, D.M.D., P.C., 111 Industrial Park Road, Johnstown, PA 15904-1940
14804403	+ Penelec, P.O. Box 3687, Akron, OH 44309-3687
14804404	++ REMIT CORPORATION, P O BOX 7, BLOOMSBURG PA 17815-0007 address filed with court:, Remit Corporation, P.O. Box 7, Bloomsburg, PA 17815
14804405	++ TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026 address filed with court:, Toyota Motor Credit, 4 Gatehall Drive, Suite 350, Parsippany, NJ 07054
14818614	+ Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
14804406	+ Windber Area Authority, 1700 Stockholm Avenue, Windber, PA 15963-2061
14804407	+ Windber Medical Center, ATTN: Cashier, 600 Somerset Avenue, Windber, PA 15963-1397

TOTAL: 23

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14804374	+ Email/Text: backoffice@affirm.com	Feb 06 2021 05:19:00	Affirm Inc, Affirm Incorporated, Po Box 720, San Francisco, CA 94104-0720
14804376	+ Email/Text: bnc-applied@quantum3group.com	Feb 06 2021 05:19:00	Applied Bank, P.O. Box 17120, Wilmington, DE 19886-7120
14804380	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Feb 06 2021 04:35:11	Cap1/dbarn, Capital One Retail Svcs/Attn: Bankruptcy, Po Box 30258, Salt Lake City, UT 84130-0258

District/off: 0315-7

User: msch

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Date Rcvd: Feb 05, 2021

Form ID: pdf900

Total Noticed: 45

14804381	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Feb 06 2021 04:56:37	Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
14804382	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 06 2021 04:45:48	Citi Cards, P.O. Box 6500, Sioux Falls, SD 57117-6500
14804383	+ Email/Text: documentfiling@lciinc.com	Feb 06 2021 05:17:00	Comcast, P.O. Box 3002, Southeastern, PA 19398-3002
14804384	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 06 2021 05:18:00	Comenity Bank/kingsi, Attn: Bankruptcy, Po Box 182273, Columbus, OH 43218-2273
14804385	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 06 2021 05:18:00	Comenity Bank/womnwt, Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125
14804386	+ Email/Text: RVSVCBICNOTICE1@state.pa.us	Feb 06 2021 05:18:00	Commonwealth of Pennsylvania, Department of Revenue, Strawberry Square, Fourth & Walnut Streets, Harrisburg, PA 17128-0001
14804387	+ Email/Text: bdsupport@creditmanagementcompany.com	Feb 06 2021 05:19:00	Credit Management Company, Attn: Bankruptcy, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
14804388	+ Email/Text: bankruptcy@sccompanies.com	Feb 06 2021 05:17:00	Dr. Leonard's Shop Now Pay Plan, P.O. Box 2852, Monroe, WI 53566-8052
14804391	+ Email/Text: bknotice@ercbpo.com	Feb 06 2021 05:19:00	Enhanced Recovery Co., LLC, 8014 Bayberry Road, Jacksonville, FL 32256-7412
14804392	+ Email/Text: bnc-bluestem@quantum3group.com	Feb 06 2021 05:19:00	Fingerhut, P.O. Box 1250, Saint Cloud, MN 56395-1250
14804397	+ Email/Text: bnc-bluestem@quantum3group.com	Feb 06 2021 05:19:00	Gettington Customer Service, 6250 Ridgewood Road, Saint Cloud, MN 56303-0820
14804399	Email/Text: sbse.cio.bnc.mail@irs.gov	Feb 06 2021 05:18:00	Internal Revenue Service, Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
14804401	+ Email/Text: pschmadel@soundimaginggroup.com	Feb 06 2021 05:19:00	Lowry Radiology Associates, Inc., 1113 Lowry Avenue, Suite 2, Jeannette, PA 15644-3072
14862845	Email/PDF: MerrickBKNotifications@Resurgent.com	Feb 06 2021 04:56:17	MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
14804402	Email/PDF: MerrickBKNotifications@Resurgent.com	Feb 06 2021 04:45:07	Merrick Bank, P.O. Box 5721, Hicksville, NY 11802
14833862	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 06 2021 09:40:51	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14804865	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 06 2021 09:40:51	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14805576	Email/Text: RVSVCBICNOTICE1@state.pa.us	Feb 06 2021 05:18:00	Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946, Harrisburg PA 17128-0946
14859119	Email/Text: bnc-quantum@quantum3group.com	Feb 06 2021 05:18:00	Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14857904	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Feb 06 2021 04:45:54	Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838

TOTAL: 23

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PA Dept of Revenue
cr		Toyota Motor Credit Corporation
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

District/off: 0315-7

User: msch

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14861008	*+	Cambria Thrift Consumer Discount Company, 112 Market Street, Johnstown, PA 15901-1609
14818616	*+	Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
14804389	##+	Eastern Revenue, P.O. Box 185, Southeastern, PA 19399-0185

TOTAL: 2 Undeliverable, 3 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 07, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 5, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Toyota Motor Credit Corporation bnicholas@kmlawgroup.com
CSU - OUCTS, PA Labor & Industry	ra-li-ucls-bankpitts@state.pa.us
Joseph Jasper Swartz	on behalf of Creditor PA Dept of Revenue RA-occbankruptcy2@state.pa.us RA-occbankruptcy6@state.pa.us
Kenneth P. Seitz	on behalf of Debtor Brian K. Grumbling thedebterasers@aol.com
Kenneth P. Seitz	on behalf of Joint Debtor Patricia Grumbling thedebterasers@aol.com
Kristen Wetzel Ladd	on behalf of Creditor Apex Bank f/k/a Bank of Camden kladd@utbf.com nanderson@utbf.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

TOTAL: 8